

REMARKS

I. Preliminary Matters

Applicants respectfully request the Examiner to acknowledge Applicants' claim to foreign priority, and receipt of the certified copies of the priority documents filed February 2, 2006.

Applicants also respectfully request that the Examiner indicate the acceptance of the Drawings filed along with the application on February 2, 2006.

II. Status of Claims

Claim 1 is amended to incorporate the subject matter of claim 2.

Claim 1 is further amended to define that the working electrode is made of a transparent rigid material, with support in the specification at, for example, page 17, lines 5-9.

Claim 1 is still further amended to recite "the portion of the casing at least contacting the working electrode being made of a transparent rigid material having an optical characteristic of transmitting sunlight", with support in the specification at, for example, page 21, lines 17-20.

Claim 2 is canceled without prejudice or disclaimer.

No new matter is added. Accordingly, Applicants respectfully request entry and consideration of the Amendment. Upon entry of the Amendment, claims 1 and 3-25 will be pending, with claims 6-25 withdrawn from consideration.

III. Response to Claim Rejections Under 35 U.S.C. §§ 102 and 103

A. Claims 1 and 3-5 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 2002-319689 to Nunoi et al.

Applicants respectfully traverse.

Claim 1 is amended to incorporate the subject matter of claim 2.

Claim 2 was not subject to a rejection under 35 U.S.C. § 102(b) based on Nunoi.

Therefore, Nunoi does not teach each and every element of amended claim 1. Accordingly, claim 1 is patentable over Nunoi. Claims 3-5 are also patentable, at least by virtue of their dependence from claim 1.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection of claims 1 and 3-5.

B. Claim 2 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nunoi, and further in view of U.S. Patent No. 6,291, 763 to Nakamura.

Claim 1 is amended to incorporate the subject matter of claim 2, and claim 2 is canceled without prejudice or disclaimer.

Applicants respectfully submit that amended claim 1, and its depended claims, are patentable over the combination of Nunoi and Nakamura, at least for the following reasons.

Currently amended claim 1 recites a photoelectric conversion element where “the elastic member is provided between the counter electrode and a bottom portion of the casing”.

As discussed at page 7, lines 16-22 of the specification, with this feature, the photoelectric conversion element of the presently claimed invention can obtain an advantageous effect in that

the stacked body formed by sandwiching an electrolyte layer between the working electrode and the counter electrode is kept within the casing while being vertically and strongly pressed by the repellent force of the elastic member. Accordingly, since the upper and lower electrodes are resistant to the relative positional displacement in the direction of the surface thereof, it is possible to provide a photoelectric conversion element having a high shape stability against an external force and an excellent shock resistance.

At page 5 of the Office Action, the Examiner admits that Nunoi does not disclose an elastic member. The Examiner relies on Nakamura teach the elastic member of the present application.

At column 30, lines 54-57, Nakamura discloses that

[t]o secure tight seal of the inside and rigidity of the module, the peripheries of the supporting substrates are fixed in a metal frame, and the gap between the substrates and the frame is sealed with a sealing material.

In other words, the sealing material of Nakamura is used merely for sealing, and is provided merely on the peripheries of the substrates. Furthermore, Nakamura does not disclose or suggest that the sealing material of Nakamura is elastic, and does not disclose or suggest the above-described advantageous effect of the presently claimed invention.

Therefore, Applicants believe that Nakamura does not disclose or suggest the elastic member of the presently claimed invention since the elastic member of the present invention is quite different from the sealing material of Nakamura in arrangement and in its effect.

Additionally, the photoelectric conversion element of claim 1 also includes the portion of the casing at least contacting the working electrode being made of a transparent rigid material having an optical characteristic of transmitting sunlight. This feature is not disclosed or suggested by either Nunoi or Nakamura.

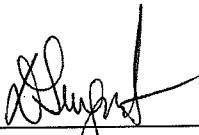
In view of the above, Applicants respectfully submit that amended claim 1 is patentable over the combination of Nunoi and Nakamura. Claims 3-5 are also patentable, at least by virtue of their dependence from claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 1 and 3-5.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Debodhonyaa Sengupta, Ph.D.
Limited Recognition No. L0578

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 7, 2010